

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
SALISBURY DIVISION  
Case No: 1:24-CV-00221**

**CRAIG CUNNINGHAM,**

*Plaintiff,*

**v.**

**WALLACE & GRAHAM, P.C.,  
MONA LISA WALLACE, BILL  
GRAHAM, WHITNEY  
WALLACE WILLIAMS, MARK  
P. DOBY, RHINE LAW FIRM,  
P.C., JOEL R. RHINE,  
SOKOLOVE LAW, LLC,**

*Defendants.*

**JOINT RULE 26(f) REPORT**

The parties, consisting of the Plaintiff, Craig Cunningham, through counsel, and the Defendants, Wallace & Graham, P.A., Mona Lisa Wallace, Bill Graham, Whitney Wallace Williams, Mark P. Doby, Rhine Law Firm, P.C., Joel R. Rhine, and Sokolove Law, LLC, through counsel, hereby respectfully jointly respectfully submit the following proposed discovery plan in accordance with the Court's December 4, 2024 (Doc. 17) Notice of Initial Pretrial Conference Hearing and LR 16.1 and 16.2.

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1(b), a meeting was held on January 3, 2025 by videoconference and was attended by Andrew Perrong and

Anthony Paronich for Plaintiff, and Virginia Bell Flynn, Chad Fuller, and Brooke Conkle for Defendants.

2. Discovery Plan. The parties propose to the Court the following discovery plan:

Below, the parties use a commencement date of January 31, 2025 for purposes of calculating discovery deadlines.

Discovery will be needed on the following subjects:

**Plaintiff's Position:** Plaintiff claims that the Defendants called his private telephone number 615-XXX-XXXX from various telephone numbers in violation of the TCPA and North Carolina Law to solicit him to making a Camp Lejeune claim. Informal discovery has revealed that at least some of the conduct at issue was conducted through a vendor, Blazen Media. The Plaintiff contends that there may be other calls from the Defendants or this vendor. The calls were unsolicited. Based on these allegations, the Plaintiff brought this suit for violations of the TCPA, as the calls were made to his call phone number with automated means and without honoring do not call requests, conduct which is prohibited by the TCPA. The Plaintiff has also brought various state law claims against the Defendants, North Carolina entities or those working in concert with them, for various related violations of North Carolina state law. The Plaintiff seeks the maximum statutory relief under the TCPA for any violations during the calls.

The factual issues in both the claims include, but are not limited to, how many telephone calls the Defendants placed to the Plaintiff, the Defendants' marketing practices, including through telemarketing and through the use of vendors, and the content of those calls. The factual issues also will surround the nature of the telephone system used to place calls in this case, including its use of an ATDS, together with the relationship between the Defendants, Blazen Media, and its owner Brent Cushman. The factual issues also include information contained in phone records and telephone systems, including call recordings.

**Defendants' Position:** Discovery will be needed on the following subjects:

- The allegations and claims in the Complaint, Doc. 1, as limited by the Court's Order dated November 19, 2024 (Doc. 15).
- Defendants' responsive pleadings, denials and defenses found in their Answers (Docs. 9, 16).

Discovery shall be placed on a case-management track established in LR 26.1.

The parties agree that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as:

Complex.

The date for the completion of all discovery (general and expert) is: Thursday, July 31, 2025 (6 months from 1/31/25).

Stipulated modifications to the case management track include: Amendment

of pleadings – the parties respectfully request an extended deadline to amend pleadings due to the necessity of potentially joining Blazen Media and/or Mr. Cushman.

Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) (if any) are due during the discovery period:

Initial Reports by May 1, 2025.

Rebuttal Reports by June 2, 2025.

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. Mediation. Mediation should be conducted during the discovery period, the exact date to be set by the mediator after consultation with the parties. This case has not been selected for mediation under LR 16.4 or LR 83.9. Defendants have proposed Rene Trehy as a mediator.

4. Preliminary Deposition Schedule. Preliminarily, the parties agree to the following schedule for depositions: Depositions may start once the discovery order is entered. The parties will cooperate to schedule necessary depositions.

The parties will update this schedule at reasonable intervals.

5. Other items.

Plaintiff should be allowed until April 30, 2025, to request leave to join additional parties or amend pleadings.

Defendants should be allowed until April 30, 2025, to request leave to join additional parties or amend pleadings.

After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. § 636(c), or appointment of a master: There is no consent to proceed before a magistrate judge or special master.

Trial of the action is expected to take approximately 5 days. A jury trial has been demanded.

The parties discussed whether the case will involve the possibility of confidential or sealed documents containing Personally Identifiable Information, including information which may have been provided during some of the calls at issue. The case may involve confidential or sealed documents and the parties have separately filed a LR 5.5 Report.

Date: January 21, 2025.

Counsel for Plaintiff:

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Counsel for Defendants

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2025, I filed the foregoing document using the courts CM/ECF system, which will automatically send notification of filing to all counsel of record.

By: /s/ Virginia Bell Flynn  
Virginia Bell Flynn